

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Bobby T. Sheppard,	:	<b>Death Penalty Case</b>
	:	
Petitioner,	:	Case No. C 1-00-493
	:	
-vs-	:	Judge Walter Herbert Rice
	:	
Margaret Bagley, Warden,	:	Magistrate Judge Merz
	:	
Respondent.	:	

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**PETITIONER'S MOTION FOR EXTENSION OF TIME  
TO FILE TRAVERSE**

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Now comes Petitioner Bobby T. Sheppard, through counsel, and respectfully requests that this Court grant Petitioner an extension of time, *i.e.*, until Friday, September 19, 2003, for filing the Traverse in this action. The specific reasons in support of this motion are set forth in the attached Memorandum.

Respectfully submitted,

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**Trial Attorney**

s/ Timothy R. Payne  
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**Counsel for Petitioner Sheppard**

**Memorandum**

Petitioner's Traverse was originally due on September 5, 2003. Petitioner's counsel recently requested and received an unopposed extension of time of six days, *i.e.*, until September 11, 2003, for filing the Traverse.

Much of the Petitioner's Traverse has been completed. However, due to the complexity of Petitioner's case, which has involved further factual development *via* discovery and an evidentiary hearing conducted during the federal habeas proceedings, and the unexpected amount of time needed to research and complete legal drafting of certain issues presented, as well as due to counsel's respective schedules and additional caseload demands -- including co-counsel Timothy Payne's representation in Wogenstahl v. Mitchell, Case No. C-1-99-843, wherein Petitioner's counsel Mr. Payne (along with co-counsel John Gideon) is required for purposes of exhaustion to file an action in state court by September 12, 2003, raising new constitutional claims recently uncovered through federal habeas discovery -- Petitioner's counsel believes an additional week is needed in order to effectively and adequately brief the various issues presented in Petitioner's Traverse. Particularly because this is a death penalty case, Petitioner believes his request is appropriate and reasonable and would best serve the interests of justice.

Opposing counsel Chuck Wille has been contacted about the need for this second request for an extension of time and has indicated that the state will not be filing any opposition to the request.

WHEREFORE, Petitioner respectfully requests that this Court grant an extension of time until September 19, 2003 for the filing of Petitioner's Traverse.

Respectfully submitted,

s/ Geoffrey J. Moul  
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**Counsel for Petitioner Sheppard**

CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2003, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Chuck Wille, Assistant Attorney General, 30 East Broad Street, 23rd Floor, Columbus, Ohio 43215.

s/ Timothy R. Payne  
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